IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8364 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

M/S. BI-COLOUR BALLPEN CO.PVT.LTD.

Versus

REGIONAL PROVIDENT FUND COMMISSIONER

Appearance:

1. Special Civil Application No. 8364 of 2001

MR JV JAPEE for Petitioner No. 1

MR BHARAT T RAO for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 19/02/2002

ORAL JUDGEMENT

1. Rule. Mr.B.T. Rao waives service of rule for respondent. The main challenge in this petition is that the authority under Provident Fund Act have decided the

matter without hearing and taking into consideration the written submissions made by the parties. It is also the case of the petitioner that authority has passed a non speaking order as the order is in a printed form.

2. After the matter was heard for some time, a request was made on behalf of the petitioner, that in the interest of justice, after quashing and setting aside the present order the matter be remanded to the authority to decide afresh after giving an opportunity of hearing to the petitioner and taking into consideration the written submissions already made and such other submissions which may be made at the time of hearing. The request can be granted only after putting the petitioner to some terms. In the facts of the case if on condition that 25% amount which is demanded under the impugned order is ordered to be deposited by the petitioner it will serve the ends of justice.

3. Mr.J.V. Japee learned advocate appearing for the petitioner submitted that he may be granted some time to deposit that amount. 4 weeks' time is granted to deposit that amount. After the amount is deposited, within 6 weeks thereafter the authority shall decide the matter afresh after giving an opportunity to the petitioner and after taking into consideration the written submissions which are already made and such other as may be made by the petitioner at the time of hearing of this petition. The petition is accordingly disposed of. Rule is made absolute to the aforesaid extent. Direct Service is permitted.

(Ravi R. Tripathi, J.)

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